

Exhibit 51

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MIYANO MACHINERY USA INC., Case No. 1:08-cv-00526
Plaintiff, Chicago, Illinois
v. February 7, 2008
Motion Hearing
MIYANOHITEC MACHINERY, INC.,
et al.,
Defendants.

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE VIRGINIA M. KENDALL
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: Cook Alex McFarron Manzo Cummings
Mehler, Ltd.
By: Edward D. Manzo,
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APPEARANCES (Cont'd.):

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- and -

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09: 45: 12 1 devel op a new mark, whi ch they di d. And they devel oped a
09: 45: 18 2 styl ized Mi yano, the word Mi yano, i n scri pt rather than block
09: 45: 24 3 l etters.

09: 45: 26 4 THE COURT: Is that the one that' s on page 2 of your
09: 45: 31 5 prel i mi nary i nj uncti on moti on? Thi s one (i ndi cati ng)?

09: 45: 36 6 MR. KARTON: Yes.

09: 45: 37 7 THE COURT: Okay.

09: 45: 37 8 MR. KARTON: And Mi yano, both Mi yano Japan, MMU, and
09: 45: 44 9 MMU began to use that styl ized name, the desi gn. The tri angl e
09: 45: 56 10 that you saw pi ctures of, the tri angl e wi th the wi nged M --

09: 46: 00 11 THE COURT: Page 3 of the prel i mi nary i nj uncti on,
09: 46: 02 12 thi s one?

09: 46: 02 13 MR. KARTON: Ri ght.

09: 46: 04 14 They say i t was adopted i n '05 i n the Uni ted States,
09: 46: 13 15 that was after Tom Mi yano l eft the company. I t had been not
09: 46: 19 16 used pri or to that time. As I sai d, Tom Mi yano owns that mark
09: 46: 25 17 i n Japan. I t was never used commerci al ly pri or to that time.

09: 46: 33 18 We feel that Mi yano, MMU, i s attempti ng to usurp a
09: 46: 41 19 mark that i s owned person al ly by Tom Mi yano, or, i n the
09: 46: 49 20 al ternative, i s attempti ng to establi sh a ri ght to use a mark
09: 46: 55 21 that i t had years before abandoned.

09: 47: 02 22 There i s the addi ti onal factor that, whi le
09: 47: 05 23 Mi yanoHi tec Machi nery i s certai nly a corporati on, on the
09: 47: 11 24 websi te now and i n the adverti sing now, they are di spl ayi ng
09: 47: 18 25 the trade name Tom and Steven Mi yano, not affi li ated i n any

09: 47: 24 1 way wi th Mi yano Machi nery, Inc. i n the Uni ted States or Mi yano
09: 47: 29 2 Machi nery i n Japan. They are usi ng thei r personal surname to
09: 47: 34 3 do busi ness.

09: 47: 35 4 THE COURT: But i s i t cal led Mi yanoHi tec Machi nery?

09: 47: 38 5 MR. KARTON: The company i s cal led Mi yanoHi tec
09: 47: 42 6 Machi nery. But the advertisi ng for i t and the advertisi ng at
09: 47: 46 7 the trade show on thei r booth wi ll be Tom and Steven Mi yano --

09: 47: 51 8 THE COURT: Okay.

09: 47: 51 9 MR. KARTON: -- two di fferent -- and there wi ll be
09: 47: 53 10 the di scl ai mer to di fferenti ate i t from MMU. That' s -- that' s
09: 48: 03 11 basi cal ly the di fference here.

09: 48: 05 12 THE COURT: Okay.

09: 48: 07 13 MR. KARTON: As far as the moti ons are concerned,
09: 48: 09 14 there are two, as Mr. Manzo menti oned, the one for l eave to
09: 48: 15 15 amend. We, of course, have no obj ecti on to that. And had I
09: 48: 21 16 known beforehand, I woul d have tol d hi m that we have no
09: 48: 23 17 obj ecti on to that.

09: 48: 24 18 THE COURT: Okay.

09: 48: 25 19 MR. KARTON: We woul d, of course, l i ke an opportuni ty
09: 48: 27 20 to respond to the amended moti on. The -- because there i s
09: 48: 37 21 i nformati on that i s goi ng to be comi ng from Japan, i t' s
09: 48: 41 22 necessary from Japan, and because we don' t control the
09: 48: 45 23 corporati on MMU, and we somehow don' t thi nk that they are
09: 48: 51 24 goi ng to be as cooperati ve as they mi ght be, gi ven that
09: 48: 55 25 they' re the opposi tions i n a l aw sui t, and because of the